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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of

VESELOV et al.

Application No. 10/798,981

Filed: March 11, 2004

For: PROVISIONING TO CDC DEVICES

)
) Examiner: Unassigned

)
) Art Unit: 2153

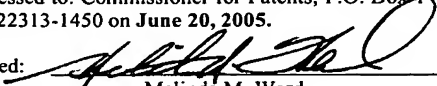
)
) Docket No. SUNMP176

)
) Date: June 20, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on June 20, 2005.

Signed:


Melinda M. Ward

**REQUEST FOR RECONSIDERATION FOR PETITION UNDER 37 C.F.R. § 1.47(a)
TO APPLY ON BEHALF OF OMITTED
INVENTOR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant, Pavel S. Veselov, hereby requests reconsideration of the petition under 37 C.F.R. §1.47(a) to make the above-identified application on behalf of himself and co-inventor Dianna L. Decristo. In response to the dismissal of the petition dated April 20, 2005, from the Office, applicant submits a new acceptable declaration of facts in compliance with 37 CFR 1.47a in this Request for Reconsideration. As requested in the petition dismissal dated April 20, 2005, the Request for Reconsideration only addresses the deficiencies noted in the petition dismissal. Accordingly, the petition filed on August 31, 2004 is referred to for the remaining items required under 37 CFR 1.47(a).

In view of the foregoing, Applicants submit that the petition now complies with the requirements of 37 C.F.R. § 1.47(a) and therefore should be granted. Accordingly, a decision

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allowing Pavel Veselov to make the above-identified application on behalf of themselves and nonsigning inventor Dianna L. Decristo is respectfully requested.

If any additional fees are due in connection with the filing of this petition, then the Commissioner is authorized to charge such fees to our Deposit Account No. 50-0805 (Order No. SUNMP176).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read 'Michael L. Gencarella', written over a horizontal line.

Michael L. Gencarella, Esq.
Reg. No. 44,703

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Customer No. 25920



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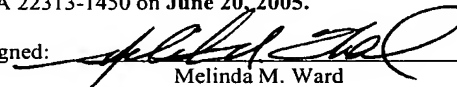
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|----------------------|
| In re the application of |) | |
| VESELOV et al. |) | Examiner: Unassigned |
| Application No. 10/798,981 |) | Art Unit: 2153 |
| Filed: March 11, 2004 |) | Docket No. SUNMP176 |
| For: <u>PROVISIONING TO CDC DEVICES</u> |) | Date: June 20, 2005 |

CERTIFICATE OF MAILING

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Signed:


Melinda M. Ward

**DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF
OMITTED INVENTOR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney by Dianna L. Decristo for the above-identified patent application. This declaration is being made by a person having first-hand knowledge of the facts recited therein:

I, Michael L. Gencarella, do hereby declare:

1. I am an attorney of record in the above-identified application.
2. On June 15, 2004, a transmittal letter dated June 14, 2004 (Exhibit A), and a Declaration and Power of Attorney (Exhibit B) was forwarded to Ms. Decristo via Federal Express. As evidenced by the Federal Express Tracking Results printout (Exhibit C), the envelope was delivered to the last known address of Ms. Decristo on June 16, 2004. A return

Federal Express envelope was provided for Ms. Decristo's use in returning the executed Declaration and Power of Attorney. No response was received.

3. On July 13, 2004, a letter was sent to Ms. Decristo (Exhibit D) via Certified, Return Receipt mail to her home address. In this letter, I again requested that Ms. Decristo sign the Declaration and Power of Attorney for the subject application, and forwarded to her a copy of our June 14, 2004 correspondence, an additional Declaration and Power of Attorney and return self-addressed stamped envelope. An attempted delivery was made to Ms. Decristo on July 15, 2004. A notice was left indicating that if the item was unclaimed it would be returned to the sender (Exhibit E). Ms. Decristo did not sign for the letter, and the letter was returned unclaimed to the law office of Martine & Penilla, LLP as is evidenced by the United States Postal Service on the front of the envelope (see Exhibit F). As mentioned above, the last known address for Ms. Decristo is 710 4th Avenue, #6 Venice, California 90291. As of August 27, 2004, Ms. Decristo has not returned the signed Declaration and Power of Attorney that was delivered to her via Federal Express on June 16, 2004.

4. A search of the listed phone records was performed on May 20, 2005 to see if Ms. Decristo was listed in Venice California (her last known address provided by the assignee). There was no listing found for a Dianna L. Decristo in Venice California. The assignee (SUN MICROSYSTEMS) was contacted to ensure that the last known address of Ms. Decristo is accurate.

5. An Internet search was performed for Dianna L. Decristo. The results are attached as Exhibit G. The only applicable information related to patents of which Ms. Decristo was an inventor and no address or contact information was provided.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Michael L. Gencarella, Esq.
Reg. No. 44, 703

06/20/05
Date

Exhibits A-G: Attached



**Intellectual
Property
Counsel**

710 Lakeway Drive, Suite 170
Sunnyvale, California 94085

PHONE: 408-749-6900
FAX: 408-749-6901

www.mpiplaw.com

June 14, 2004

Writer's Direct Dial:
(408) 749-6900, ext. 6921
email: mike@mpiplaw.com
Via Federal Express

Ms. Dianna L. Decristo
710 4th Avenue #6
Venice, CA 90291

Re: Patent Application Entitled: **PROVISIONING TO CDC DEVICES**
Inventor: Veselov et al.
Application Number: 10/798,981
Filing Date: March 11, 2004
Sun File Reference: P9011/EL
Our File Reference: SUNMP176

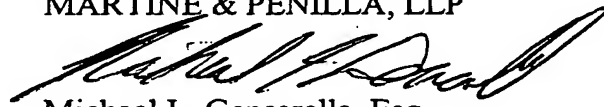
Dear Dianna:

We are in receipt of the Notice to File Missing Parts from the U.S. Patent and Trademark Office. One of the missing documents is a Declaration and Power of Attorney signed by you.

Enclosed please find the Declaration and Power of Attorney. Please sign where indicated, and return to us in the enclosed Federal Express envelope. The return airbill has been prepared for your convenience.

If you have any questions or need additional information, then please give me a call.

Very truly yours,
MARTINE & PENILLA, LLP



Michael L. Gencarella, Esq.

MLG:mmw
Enclosures

EXHIBIT A

DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. SUNMP176 / P9011/EL

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: PROVISIONING TO CDC DEVICES, the specification of which,

(check one)

1. ☐ is attached hereto.
2. ☒ was filed on March 11, 2004 as
U.S. Application Serial No. 10/798,981
and was amended on _____.
3. ☐ was filed on _____ as
International PCT Application Serial No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

| | | |
|----------------------|--------------------|------------------------|
| _____ (Appl. No.) | _____ (Country) | _____ (Filing Date) |
| _____ (Appl. No.) | _____ (Country) | _____ (Filing Date) |
| _____ (Appl. No.) | _____ (Country) | _____ (Filing Date) |

Priority Benefits Claimed?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

And I hereby appoint the law firm of Martine & Penilla, L.L.P., including Peter B. Martine (Reg. No. 32,043), Albert S. Penilla (Reg. No. 39,487), Chester E. Martine, Jr. (Reg. No. 19,711), Rick von Wohld (Reg. No. 48,018), Michael L. Gencarella (Reg. No. 44,703), George Brian Leavell (Reg. No. 45,436), Fariba Yadegar-Bandari (Reg. No. 53,805), Kenneth D. Wright (Reg. No. 53,795), Michael K. Hsu (Reg. No. 46,782), and F. Roman Cabrasawan (Reg. No. 51,521) as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Send Correspondence To:

Michael L. Gencarella, Esq.
MARTINE & PENILLA, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085
Customer No. 32291

Direct Telephone Calls To:

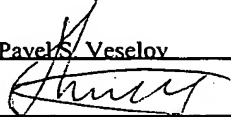
Michael L. Gencarella at telephone number (408) 749-6900 Ext. 6921

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of

Sole or First Inventor: Pavel S. Veselov

Citizenship: Russia

Inventor's signature: 

Date of Signature: 03/02/04

Residence: (City) San Jose

(State/Country) California

Post Office Address: 4300 The Woods Drive, #2102, San Jose, CA 95136

Full Name of Second Joint

Inventor (if any): Dianna L. Decristo

Citizenship: U.S.A.

Inventor's signature: _____

Date of Signature: _____

Residence: (City) Venice

(State/Country) California

Post Office Address: 710 4th Avenue #6, Venice, CA 90291

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| Tracking number | 792663066266 | Reference number | SUNMP176 |
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| Delivery date/time | Jun 16, 2004 11:11 am | Service type | Standard Pak |

| Date/time | Status | Location | Comments |
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| Jun 16, 2004 11:11 am | Delivered | VENICE CA | No signature required - release waiver on file |
| 11:11 am | Delivered | VENICE CA | No signature required - release waiver on file |
| 7:40 am | On FedEx vehicle for delivery | MARINA DEL REY CA | |
| 6:58 am | Arrived at FedEx Destination Location | MARINA DEL REY CA | |
| 6:58 am | Arrived at FedEx Destination Location | MARINA DEL REY CA | |
| 3:55 am | Left FedEx Sort Facility | OAKLAND CA | |
| 3:42 am | Arrived at Sort Facility | LOS ANGELES CA | |
| 1:59 am | Arrived at Sort Facility | OAKLAND CA | |
| Jun 15, 2004 6:11 pm | Left FedEx Origin Location | SUNNYVALE CA | |
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 email: mike@mpiplaw.com

Certified
Return Receipt Requested

Ms. Dianna L. Decristo
 710 4th Avenue #6
 Venice, CA 90291

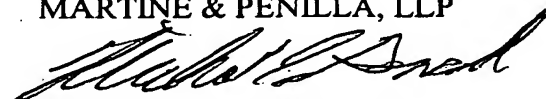
Re: Patent Application Entitled: **PROVISIONING TO CDC DEVICES**
 Inventor: Veselov et al.
 Application Number: 10/798,981
 Filing Date: March 11, 2004
 Sun File Reference: P9011/EL
 Our File Reference: SUNMP176

Dear Dianna:

On June 14, 2004 we forwarded to you a Declaration and Power of Attorney for your signature so that we may respond to the USPTO's Notice to File Missing Parts by their due date of **June 28, 2004**. As yet, we have not received the signed Declaration from you.

For your convenience, we are enclosing a copy of our June 14, 2004 correspondence and the Declaration and Power of Attorney. Please sign where indicated, and return it to this office in the enclosed self-addressed, stamped envelope by July 21, 2004. If you have any questions or need additional information, then please give me a call.

Very truly yours,
 MARTINE & PENILLA, LLP


 Michael L. Gencarella, Esq.

MLG:mmw
 Enclosures

EXHIBIT D



Track & Confirm

Current Status

You entered 7002 2410 0001 2154 2643

We attempted to deliver your item at 12:53 pm on July 15, 2004 in VENICE, CA 90291 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

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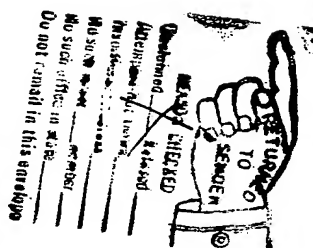


Intellectual
Property
Counsel
710 Lakeway Drive, Suite 170
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Sunnyvale, CA 90291

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Dianna L. Decristo

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